

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

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In re : Chapter 9
: :
CITY OF DETROIT, MICHIGAN, : Case No. 13-53846
: :
Debtor. : Hon. Steven W. Rhodes
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**EX PARTE MOTION FOR AN ORDER SHORTENING
NOTICE AND SCHEDULING AN EXPEDITING HEARING WITH
RESPECT TO THE MOTION OF THE OFFICIAL COMMITTEE
OF RETIREES TO COMPEL THE PRODUCTION OF A PRIVILEGE LOG**

The Official Committee of Retirees (the “Committee”) submits this *Ex Parte* Motion for an Order Shortening the Notice and Scheduling an Expedited Hearing with Respect to the Motion of the Official Committee of Retirees to Compel Production of a Privilege Log (the “Motion”) and respectfully states as follows:

RELIEF REQUESTED

1. The Committee filed the Motion contemporaneously with the filing of the instant *Ex Parte* Motion. In the Motion, the Committee seeks to compel each of Wayne, Macomb and Oakland County, Michigan (each a “County” and collectively the “Counties”) to produce a privilege log in connection with each County’s production of documents relative to the City of Detroit’s proposed plan of adjustment and disclosure statement.

2. In the accordance with the Court’s Fourth Amended Order Establishing Procedures, Deadlines and Hearing Dates Relating to the Debtor’s Plan of Adjustment (the

“Fourth Amended Order”),¹ the Counties, late on May 6, 2014, filed written responses to the Committee’s discovery requests. Pursuant to the Fourth Amended Order, the hearing for the Counties’ objections is scheduled for May 12, 2014 at 10:00 a.m. The Court has already issued a Notice of Hearing for May 12, 2014 at 10:00 a.m. on an objection to the Committee’s discovery filed by Wayne County, Michigan. [Dkt. 4440.] By this *Ex Parte* Motion, the Committee seeks an order (a) shortening the notice period with respect to the Motion, and (b) scheduling a hearing on the Motion on **May 12, 2014 at 10:00 a.m.** or such other time as the Court may determine.

BASIS FOR RELIEF

3. Federal Rule of Bankruptcy Procedure 9006(c)(1) provides that “when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, the court for cause shown may in its discretion with or without motion or notice order the period reduced.” Fed. R. Bankr. P. 9006(c)(1). Local Bankruptcy Rule 9006-1(b) further provides that “a party may file a motion for an *ex parte* order reducing or enlarging the time for a party to take any action or file any paper.” Local Bankruptcy Rule 9006-1(b). Together, these rules provide the Court with the authority to enter an *ex parte* order scheduling a hearing on shortened notice and approve the manner of notice of such hearing.

4. The Committee respectfully requests that, pursuant to Federal Rule of Bankruptcy Procedure 9006(a), Local Bankruptcy Rule 9006-1(b) and the Fourth Amended Order, the Court shorten the notice period with respect to the Motion and schedule an expedited hearing on the Motion on May 12, 2014 at 10:00 a.m. or such other time as the Court may determine.

¹ [Dkt. 4202.]

5. The Motion seeks entry of an order compelling each County to produce a privilege log in connection with each County's production of documents relative to the City of Detroit's proposed plan of adjustment and disclosure statement.

6. As further set forth in the Motion, the Counties have not provided a valid basis for withholding a privilege log required by the Federal Rules of Civil Procedure.

7. In order to adequately address the issues raised in the Motion in sufficient time, good cause exists to shorten the notice period and schedule a hearing on the Motion for May 12, 2014 at 10:00 a.m. Expedited scheduling would permit the Court to decide the Motion, and, if appropriate, compel each County to produce a privilege log in a timely manner so as to allow the Committee time to assess and, if necessary, dispute each County's privilege determinations.

6. The Committee will serve this *Ex Parte* Motion via the Court's ECF system to the parties in the above-captioned proceeding, and will provide notice of the *ex parte* order promptly upon issuance.

7. For these reasons, the Committee submits that cause exists to schedule a hearing on its Motion for May 12, 2014, at 10:00 a.m., or such other time as the Court may determine, on shortened notice.

RELIEF REQUESTED

WHEREFORE, the Committee respectfully requests that this Court (i) enter an order substantially in the form attached hereto as Exhibit 1, granting the relief sought herein; and (ii) grant such other and further relief to the Committee as the Court may deem proper.

Dated: May 7, 2014

Respectfully submitted,

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Counsel for the Official Committee of Retirees

Exhibit 1

(Proposed Order)

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

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CITY OF DETROIT, MICHIGAN, : Case No. 13-53846
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Debtor. : Hon. Steven W. Rhodes
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**ORDER GRANTING *EX PARTE* MOTION FOR AN ORDER
SHORTENING NOTICE AND SCHEDULING AN EXPEDITED HEARING
WITH RESPECT TO THE MOTION OF THE OFFICIAL COMMITTEE
OF RETIREES TO COMPEL PRODUCTION OF A PRIVILEGE LOG**

This matter coming before the Court on the *Ex Parte* Motion (the "Ex Parte Motion") for an Order Shortening Notice and Scheduling an Expedited Hearing with respect to the Motion of the Official Committee of Retirees to Compel Production of a Privilege Log and the Court being fully advised of the premises; and good and sufficient cause having been shown;

IT IS HEREBY ORDERED THAT:

1. The Ex Parte Motion is GRANTED.
2. A hearing with respect to the Motion is scheduled for May 12, 2014 at 10: 00 a.m.

Signed on: _____

Steven Rhodes
United States Bankruptcy Judge

Exhibit 2

(Certificate of Service - Filed Separately)

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

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CITY OF DETROIT, MICHIGAN, : Case No. 13-53846
: :
Debtor. : Hon. Steven W. Rhodes
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CERTIFICATE OF SERVICE

I, Claude D. Montgomery, hereby certify that service of the *Ex Parte* Motion of the Official Committee of Retirees for an Order Shortening Notice and Scheduling an Expedited Hearing With Respect to the Motion of the Official Committee of Retirees to Compel Production of a Privilege Log, was filed and served via the Court's electronic case filing and noticing system on May 7, 2014.

/s/ Claude D. Montgomery
Claude D. Montgomery